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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,062	10/10/2001	Fang Tien Huang		5029

7590 09/28/2004  
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EXAMINER

ENSEY, BRIAN

ART UNIT	PAPER NUMBER
2643	

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/973,062	HUANG, FANG TIEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Brian Ensey	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____.   | 6) <input type="checkbox"/> Other: ____.                                    |

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: See “push button 16” on page 2, line 1 and “front shell 1” on page 7, line 2. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

The disclosure is objected to because of the following numerous errors: Page 1, line 15 refers to Fig. 3 but describes items in both Figs. 2 and 3; Paragraphs 1 and 2 on page 6 discuss “rolling disc 8” as referenced to Figs. 4 and 5, “rolling disc 8” is not featured in Figs. 4 or 5; Page 7, line 2 refers to “pivot hole 64” while line 4 refers to “pivot slot 64.” Numerous similar errors exist throughout the specification and these are only a few examples. The entire specification must be reviewed for similar errors.

Appropriate correction is required.

*Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-4 are is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "the top hole and bottom hole" in line 1 on page 12. There is insufficient antecedent basis for this limitation in the claim.

It is recommended to change "the top hole and bottom hole" in line 1 on page 12 to "a top hole and bottom hole."

Claim 3 is not clear regarding the use of "urge" for the positioning of the interconnection rod. The following revision of the claim is recommended: The improved structure of a receptacle for earphone wire of claim 1 or 2, wherein the pulling rod passed through the sliding hole and presses against one side of the interconnection rod.

Claim 4 is not clear regarding the use of "urged" for the positioning of the spring of the swinging rod. The following revision of the claim is recommended: The improved structure of a receptacle for earphone wire of claim 1 or 2, wherein the swinging rod is pivotally mounted on the pushing rod, and one end of the swinging rod is a spring having one end urged the front shell.

### ***Claim Objections***

Claims 5 and 6 are objected to because of the following informalities: Claim 5 contains multiple grammatical errors. The following revision of the claim is recommended: The improved structure of a receptacle for earphone wire of claim 1 or 2, wherein a clipping body is provided to the mounting of the front and the rear shell, and top and bottom holes are respectively formed at the top end and bottom end of the combination of the front shell and the bottom shell allowing the earphone wire and the connection wire to pass through.

Claim 6 contains multiple grammatical errors. The following revision of the claim is recommended: The improved structure of a receptacle for earphone wire of claim 1, wherein the rolling disc is provided circumferentially comprising a rolling recess for the rolling of the earphone wire, one side of the rolling disc comprises a spring recess to accommodate a rolling-type spring and the other side of the rolling disc comprises a recess to accommodate a soft-coiled wire, and the one side of the coiled wire comprises a fastening board mounted on the shaft rod, allowing the mounting of the rolling disc, and a protruded edge is provided on the recess and has a plurality of engaging slots to engage with an interconnection rod at one end, and one end of the spring is mounted to the rolling disc, and the other end is mounted onto the shaft rod.

### ***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: The present invention is directed to a retractable earphone structure. Independent claim 1 identifies the uniquely distinct feature of a retractable earphone that automatically turns on when the earphone is removed from its stowed position and automatically turns off when returned to its stowed

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position. The closest prior art, Liao (US 6371398) teaches a retractable earphone set with individually retractable jack and earphone ends and Chen (US 5684883) teaches an earphone retracting device with a pushbutton switch to manually control the wire retraction. The prior art fails to anticipate or render the independent claim obvious.

The following references were cited: Wei (US 6434249) teaches a retractable earphone wire device with a clip for mounting on a user's belt and Luplow (US 5339461) teaches a retractable radio receiver with manual control for volume and tuning.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

This application is in condition for allowance except for the following formal matters:

Numerous errors exist in the specification and the format of the claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Ensey whose telephone number is 703-305-7363. The examiner can normally be reached on Mon-Fri: 8:00 - 4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**Or faxed to:**

(703) 872-9306, for formal communications intended for entry and for informal or draft communications, please label "PROPOSED" or "DRAFT".

Hand-delivered responses should be brought to: 220 South 20<sup>th</sup> Street, Crystal Plaza Two,  
Lobby, Room 1B03, Arlington, VA 22202

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BKE  
September 22, 2004

  
CURTIS KUNTZ  
ASSISTANT PATENT EXAMINER  
EBC CENTER 2600